

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

98 MAR 25 AM 8:33

U.S. DISTRICT COURT
N.D. OF ALABAMA

DONALD CORNELIUS PURIFOY,

)

Petitioner,

)

v.

)

**ATTORNEY GENERAL FOR
THE STATE OF ALABAMA**

)

Respondents.

)

) CIVIL ACTION NO. 97-H-2504-S

ENTERED

MAR 25 1998

MEMORANDUM OPINION

Don Cornelius Purifoy, hereinafter referred to as the petitioner, filed this *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. In the petition, petitioner alleged that he had been arrested on December 29, 1995 on a charge of distribution of cocaine and had remained in custody awaiting trial in Jefferson County. Petitioner alleged that his \$30,000 state court bond was excessive and that he had been denied a speedy trial. Petitioner's state criminal case was set for trial for March 9, 1998.

On March 16, 1998 counsel for respondents notified the court that the jury returned a verdict of not guilty. This court has jurisdiction to entertain habeas petitions only from persons who are "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). In light of petitioner's acquittal, he no longer satisfies the "in custody" requirement of 28 U.S.C. § 2241(c)(3). Further, the petition is moot as there are no "collateral consequences" inasmuch as there is no conviction. *See Maleng v. Cook*, 490 U.S. 488, 492 (1989); *Carafas v. LaVallee*, 391 U.S. 234, 237-38 (1968).

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The petition for writ of habeas corpus is thus due to be dismissed. A separate Final Judgment will be entered contemporaneously herewith.

DONE this the 25th day of March, 1998.



JAMES H. HANCOCK
UNITED STATES DISTRICT JUDGE